

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Plaintiff,

v.

MICHAEL J. MCGRATH, JR.

Defendant.

Honorable Katharine S. Hayden

Criminal No. 09-436

Order

WHEREAS this Court entered an order on or about February 24, 2011 where Property (as defined in that Order) was forfeited to the United States of America pursuant to the provisions 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), and 18 U.S.C. § 982, for disposition in accordance with the provisions of 21 U.S.C. § 853, and that forfeited property is currently being held by the appropriate United States agency in its secure custody and control until the appropriate disposition of said Property by the United States;

WHEREAS, the United States Government requested that the Court defer entry of a restitution order at that time to permit all parties that were potentially eligible for restitution to reach agreement concerning the victims entitled to restitution and the amounts thereof;

WHEREAS, Court deferred entering a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n) as certain third party interests in the Property were being addressed;

WHEREAS, those parties, in coordination with the United States, have been diligently attempting to resolve issues relating to restitution, including who constitutes a victim and how funds received by certain third parties in the context of settlement between certain parties that purport to assert rights as victims should be incorporated into the loss amounts for those victims for restitution purposes;

WHEREAS, by order dated June 8, 2011, this Court granted the United States of America leave until August 22, 2011 to present this Court with a proposed restitution order;

WHEREAS, all interested parties believe that additional time is necessary before an order of restitution is entered by this Court so that they may seek to resolve those outstanding issues;

WHEREAS, this Court has the authority to delay further entry of a restitution order notwithstanding the expiration of the 90-day period contemplated by the restitution statutes, particularly in light of the Defendant's waiver of all constitutional and statutory defenses of any kind with respect to the entry of a restitution order;

IT IS THEREFORE ORDERED this 25th day of August, 2011 that the United States of America is granted leave until Friday, September 23, 2011, to present this Court with a proposed restitution order addressing the disposition of the forfeited Property.



Honorable Katharine S. Hayden
United States District Judge

The undersigned hereby consent to the entry and form of this order:

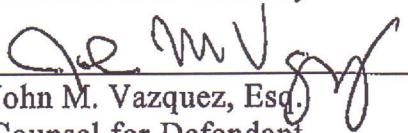
PAUL J. FISHMAN

UNITED STATES ATTORNEY



Dated: 08/23/2011

By: Mark E. Coyne
Assistant U.S. Attorney



Dated: 08/23/2011

John M. Vazquez, Esq.
Counsel for Defendant